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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

SHINOBU YAMAUCHI

: EXAMINER: LEO, LEONARD R

SERIAL NO: 10/543,155

:

FILED: MAY 22, 2006

: GROUP ART UNIT: 3744

FOR: HEAT TRANSFER FIN, HEAT EXCHANGER, EVAPORATOR AND CONDENSER FOR USE IN CAR AIR-CONDITIONER

:

RESPONSE TO ELECTION OF SPECIES REQUIREMENTS

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement stated in the Official Action dated July 25, 2008, Applicant provisionally elects Species I as shown in Figure 1, and identifies Claims 1-33 and 41-43 as readable on the elected species. Further, Applicant provisionally elects Subspecies IIA as shown in Figure 1, and identifies Claims 1-3, 5, 6, 8, 10-21, 28-33 and 41-43 as readable on the elected subspecies. Also, Applicant provisionally elects Subspecies IB as shown in Figure 3, and identifies Claims 1-11, 16-23, 28-31 and 41-43 as readable on the elected subspecies.

Applicant respectfully traverses the outstanding election requirements for the following reason.

MPEP §803 states the following:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to

independent or distinct inventions.

Claims 1-40 are directed to heat transfer fins, Claim 41 to a heat exchanger equipped with a heat transfer fin, Claim 42 to an evaporator equipped with a heat transfer fin, and Claim 43 to a condenser equipped with a heat transfer fin. Furthermore, the Office Action acknowledges Claims 1-5, 15-19, 28-31 and 41-43 as generic to the species under I and II, Claims 1-3, 6, 10-18, 20 and 28-33 as generic to the subspecies under IA, IIA and IIIA, and Claims 1-9, 16-22 and 28-31 as generic to the subspecies under IB, IIB, IIIB, IVB and VB. Thus, it appears that the claims in the present application are part of an overlapping search area and that a search for the elected sets of claims would necessarily include a search directed to the remaining claims as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP §803, and Applicant respectfully traverses the Election of Species Requirements on the grounds that a search and examination of the all the claims in the application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single disclosed species and subspecies be withdrawn, and that a full examination on the merits of each of Claims 1-43 be conducted.

Respectfully submitted,

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